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**PLANNING COMMISSION  
SITE PLAN WAIVER REQUEST REVIEW SHEET**

**CASE:** SP-2013-0314C

**PLANNING COMMISSION DATE:** January 28, 2014

**PROJECT NAME:** 9<sup>th</sup> Red River

**ADDRESS OF SITE:** 805 Neches Street

**APPLICANT:** Journeyman Austin Holdings, Inc. (Bob Gallup) (512) 247-7000

**AGENT:** Noble Surveying & Engineering Works, LLC (Tres Howland) (512) 535-1820

**AREA:** 0.814 acres

**WATERSHED:** Waller Creek (Urban)

**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance (Urban)

**C.I.P. STATUS:** N/A

**T.I.A.:** N/A

**CAPITOL VIEW:** Pleasant Valley Road at Lakeshore Drive &  
North-Bound Lanes of IH-35 between Waller Creek and the Municipal Police and  
Court Building

**PROPOSED DEVELOPMENT:**

The applicant proposes to construct a 10-story, 283,241 sq. ft. hotel building, including parking garage and utilities. The ground floor will consist of parking, hotel lobby, restaurant & bar, stairs, and office space. There is pedestrian hotel access from Neches Street and Red River Street and parking garage access from 9<sup>th</sup> Street and the alley.

**EXISTING ZONING:**

The proposed hotel use is located on property zoned DMU.

**DESCRIPTION OF WAIVERS:** The applicant is requesting two waivers.

**LDC Section 25-6-591(B)(5)**

Except as provided in Subsections (C) and (D) of this section, a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in Section 25-2-691 (*Waterfront Overlay (WO) District Uses*) that fronts on the street at the ground level.

25-6-591(D): The Land Use Commission may waive the requirement of Subsection (B)(5) of this section during the site plan review process after determining that:

- (1) present and anticipated development in the area is not amenable to access by pedestrians;
- (2) the requirement does not allow a reasonable use of the property; or
- (3) other circumstances attributable to the property make compliance impractical.

25-6-591(E): If a waiver is granted under Subsection (D), an area for which the requirement is waived must be screened.

And;

**LDC Section 25-2-691(C)(12)**

A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:

- (1) art gallery, (2) art workshop, (3) cocktail lounge, (4) consumer convenience services, (5) cultural services, (6) day care services (limited, general, or commercial), (7) food sales, (8)

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general retail sales (convenience or general), (9) park and recreation services, (10) residential uses, (11) restaurant (limited or general) without drive-in service; and  
(12) other uses as determined by the Land Use Commission

Waiver request is as follows:

The applicant requests a waiver from LDC 25-6-591(B)(5) in order for the enclosed parking garage to be located adjacent to 9<sup>th</sup> Street.

The shallow depth of the lot from 9<sup>th</sup> Street and considerable slope is not amenable to a pedestrian oriented use.

Waiver request is as follows:

The applicant requests a waiver from LDC 25-2-691(C)(12) in order to have a hotel located between the parking garage and Red River Street.

On Red River Street, the parking garage will not be located adjacent to the street. The hotel restaurant and bar and lobby will be adjacent to Red River Street. However, the principal use is Hotel, and Hotel is not listed as a pedestrian use in LDC 25-2-691(C).

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the waiver from LDC 25-6-591(B)(5) because the shallow depth of the lot from 9<sup>th</sup> Street and slope of the street is not amenable to a pedestrian oriented use. Additionally, the applicant has agreed to incorporate Great Streets on all three street frontages adjacent to this site.

Staff recommends approval of the waiver from LDC 25-2-691(C) in order to allow a hotel use between the parking garage and Red River Street. Staff agrees that a hotel use, particularly with the restaurant and bar adjacent to the street, is a pedestrian oriented use.

**CASE MANAGER:** Donna Galati **PHONE:** 974-2733  
[Donna.Galati@austintexas.gov](mailto:Donna.Galati@austintexas.gov)

**PROJECT INFORMATION:** 0.814 acres  
**EXIST. ZONING:** DMU  
**MAX. BLDG. COVERAGE :** 100% **PROP. BUILDING CVR:** 28,162 sq. ft. (79.4%)  
**MAX. IMPERV. CVRG.:** 100% **PROP. IMP. CVRG.:** 32,156 sq. ft. (90.7%)  
**ALLOWED F.A.R.:** 5:1 **PROPOSED F.A.R.:** 4.92:1  
**HEIGHT:** 120 **PROP. HEIGHT:** 110'6" (10 story)  
**REQUIRED PARKING:** 240 **PROVIDED PARKING:** 259 spaces  
**PROPOSED ACCESS:** Pedestrian access to hotel use from Neches Street and Red River Street. Vehicular access from 9<sup>th</sup> Street and alley.

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The applicant requests a waiver from the required pedestrian use separating the ground-floor parking from 9<sup>th</sup> Street. The applicant requests a waiver to allow a hotel as a "pedestrian-oriented use" under LDC section 25-2-691(C)(12), which will separate the parking garage from Red River Street. The site plan is in review with the Waller District Design Review Board. The Board does not oppose the waivers, and is working out other details of the site plan not related to the waivers. The site plan will comply with all other land use regulations prior to site plan approval.

**Environmental:**

The site is located within the Waller Creek watershed, which is classified as an Urban Watershed. There are no critical environmental features.

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**Transportation:**

Pedestrian access to hotel use is from Neches Street and Red River Street. Vehicular access is from 9<sup>th</sup> Street and the adjacent alley. The proposed development did not require a TIA.

This administrative site plan will comply with all applicable requirements of the Land Development Code prior to its release. Staff recommends approval of the waivers.

**PLANNING COMMISSION ACTION:**

**SURROUNDING CONDITIONS:**

Zoning/ Land Use

North: 9<sup>th</sup> Street, then CBD-CO (Cocktail Lounge)

South: alley, then DMU (Restaurant)

East: Red River, then CBD-CURE-CO (Stubb's restaurant/amphitheater)

West: Neches Street, then DMU (office)

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
Red River Street	80'	40'	Major Arterial
9 <sup>th</sup> Street	80'	50'	Minor Arterial
Neches Street	80'	60'	Collector

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Monorail Project
- Austin Neighborhoods Council
- Bike Austin
- Central Austin Community Development
- City of Austin Downtown Commission
- Downtown Austin Alliance
- Downtown Austin Neighborhood Assn. (DANA)
- Downtown Austin Neighborhood Coalition
- El Concilio Coalition of Mexican American Neigh. Assn.
- Homeless Neighborhood Assn.
- Lower Waller Creek
- Preservation Austin
- SELTEXAS
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.
- Waller Creek Conservancy



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January 14, 2014

Ms. Donna Galati, Senior Planner  
City of Austin  
Planning and Development Review Dept.  
One Texas Center  
505 Barton Springs Rd., 4<sup>th</sup> Floor  
Austin, Texas 78704

Re: Case Number: SP-2013-0314C  
9<sup>th</sup> Red River

Please accept this correspondence as our request for a waiver of the requirement of a pedestrian-oriented use as described in Section 25-2-691 separating our garage on 9<sup>th</sup> Street and Red River Street for our proposed 9<sup>th</sup> and Red River Project. We reference Section 25-6-591(D) to Land Development Code that allows for the Land Use Commission to grant such waiver as follows:

*(D) The Land Use Commission may waive the requirement of Subsection (B)(5) of this section during the site plan review process after determining that:*

- (1) present and anticipated development in the area is not amenable to access by pedestrians;*
- (2) the requirement does not allow a reasonable use of the property; or*
- (3) other circumstances attributable to the property make compliance impractical.*

*(E) If a waiver is granted under Subsection (D), an area for which the requirement is waived must be screened."*

We believe our Project and proposed site meets the conditions that would warrant such a waiver and will address these in specific detail for both our Red River and 9<sup>th</sup> Street frontages below.

### **Red River**

Though a hotel is not defined as a pedestrian-use under Section 25-2-691, our primary use on our Red River Street frontage is food and beverage that will be open to the public. The hotel lobby is also accessible to the public and will be active 24-hours per day. Given this, we believe our hotel should be granted a waiver per Section 25-2-691(C)(12) ("other uses as determined by the Land Use Commission"). Further, our proposed Red River frontage has been reviewed and supported by the December 12, 2013 Waller Creek Design group correspondence stating "*Pedestrian-Oriented Streetfront Use: Applies to Red River St. only for the purpose of this review. Hotel lobby and cocktail lounge uses are acceptable*". In summary, given the operating needs of the proposed hotel on our 9<sup>th</sup> Street frontage, other pedestrian-oriented uses are not amenable or reasonable for this property.

January 14, 2014

Ms. Donna Galati, Senior Planner  
City of Austin  
Planning and Development Review Dept.  
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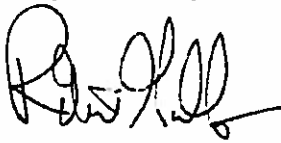
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**9<sup>th</sup> Street**

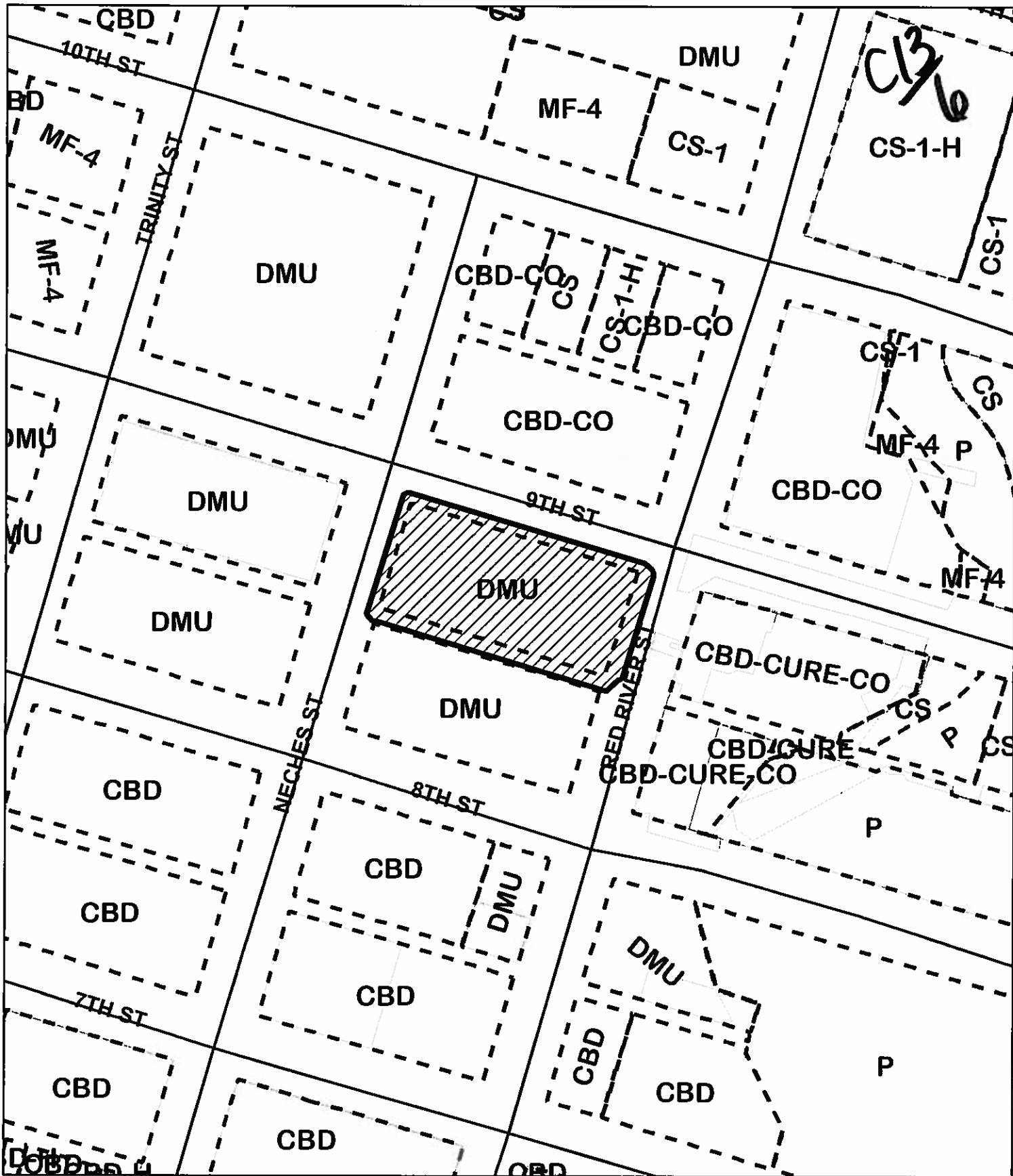
The dimensions of the site being limited to ~128 feet in width are adequate to support those required of a multi-level garage but restrict the ability to reasonably accommodate a pedestrian-use frontage. Further, the considerable slope of 9<sup>th</sup> Street (~13%) cannot practically support a pedestrian-oriented use. We believe our 9<sup>th</sup> Street meet all of the conditions that would allow for such a waiver from 25-6-591(B)(5) according to 25-6-591(D). If such a waiver is granted agree that all such garage frontage shall be "screened" per Section 25-6-591(E).

The Land Use Commission might want to give further consideration to our intent to incorporate Great Streets on all of our frontages. Your processing, review, and consideration of this request for waiver will be appreciated.

Sincerely,  
Journeyman Group





Robert Gallup, Vice President

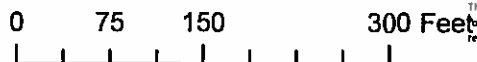


**SITE PLAN**

CASE#: SP-2013-0314C  
 ADDRESS: 805 Neches Street  
 CASE NAME: 9th Red River  
 MANAGER: Donna Galati



 SUBJECT TRACT  
 ZONING BOUNDARY

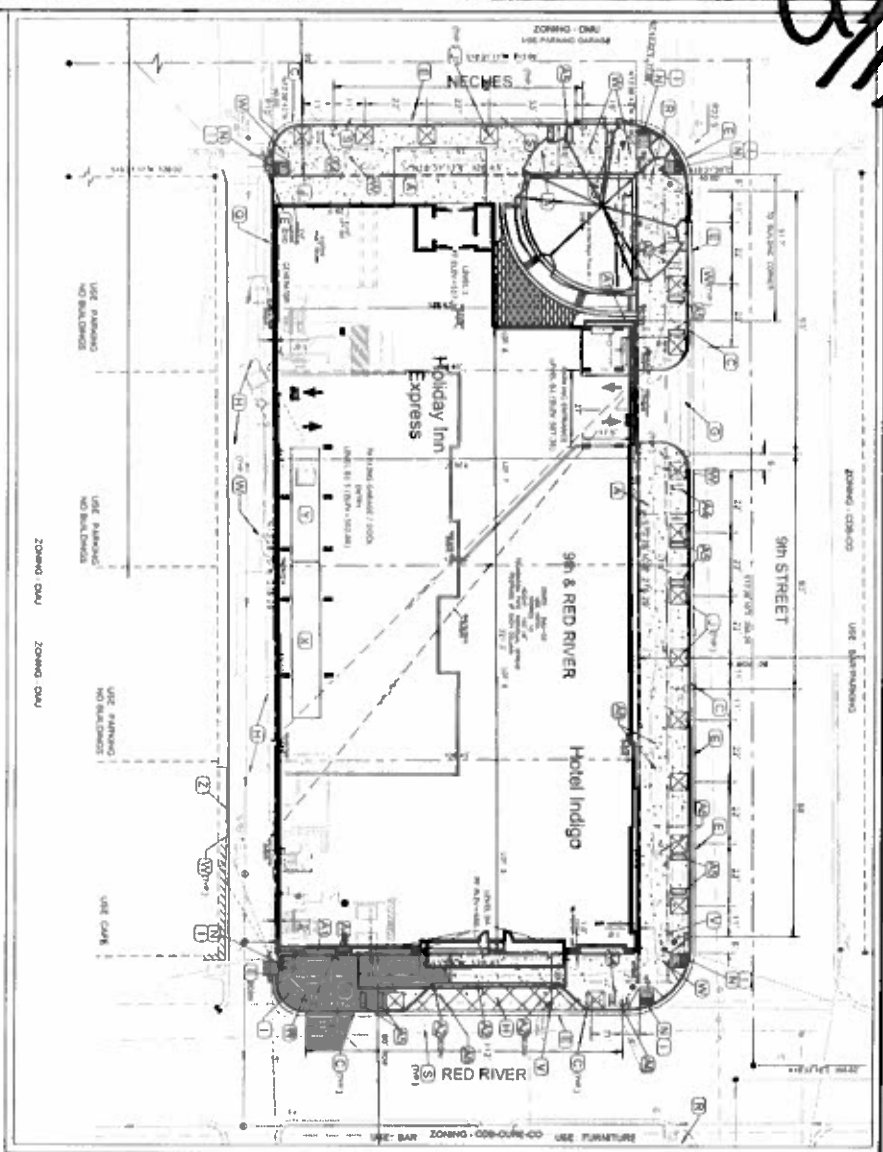


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: Donna Galati

03/17



BUILDING DATA		ZONING DATA		ZONING DATA		ZONING DATA	
Address	City	State	Zip	Zone	Subzone	Use	Notes
805 NECHES ST	AUSTIN	TX	78701	DDU		Hotel	
<b>EXISTING BUILDING DATA</b>				<b>ZONING DATA</b>			
Area	Volume	Height	Setback	Use	Notes	Notes	Notes
15,000 sq ft	15,000 cu ft	30 ft	5 ft	Hotel			

1. ALL DIMENSIONS ARE TO FACE OF CURB, CENTER OF STREET OR CENTER OF RAILROAD TRACK UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE OF CURB, CENTER OF STREET OR CENTER OF RAILROAD TRACK UNLESS OTHERWISE NOTED.
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10. ALL DIMENSIONS ARE TO FACE OF CURB, CENTER OF STREET OR CENTER OF RAILROAD TRACK UNLESS OTHERWISE NOTED.



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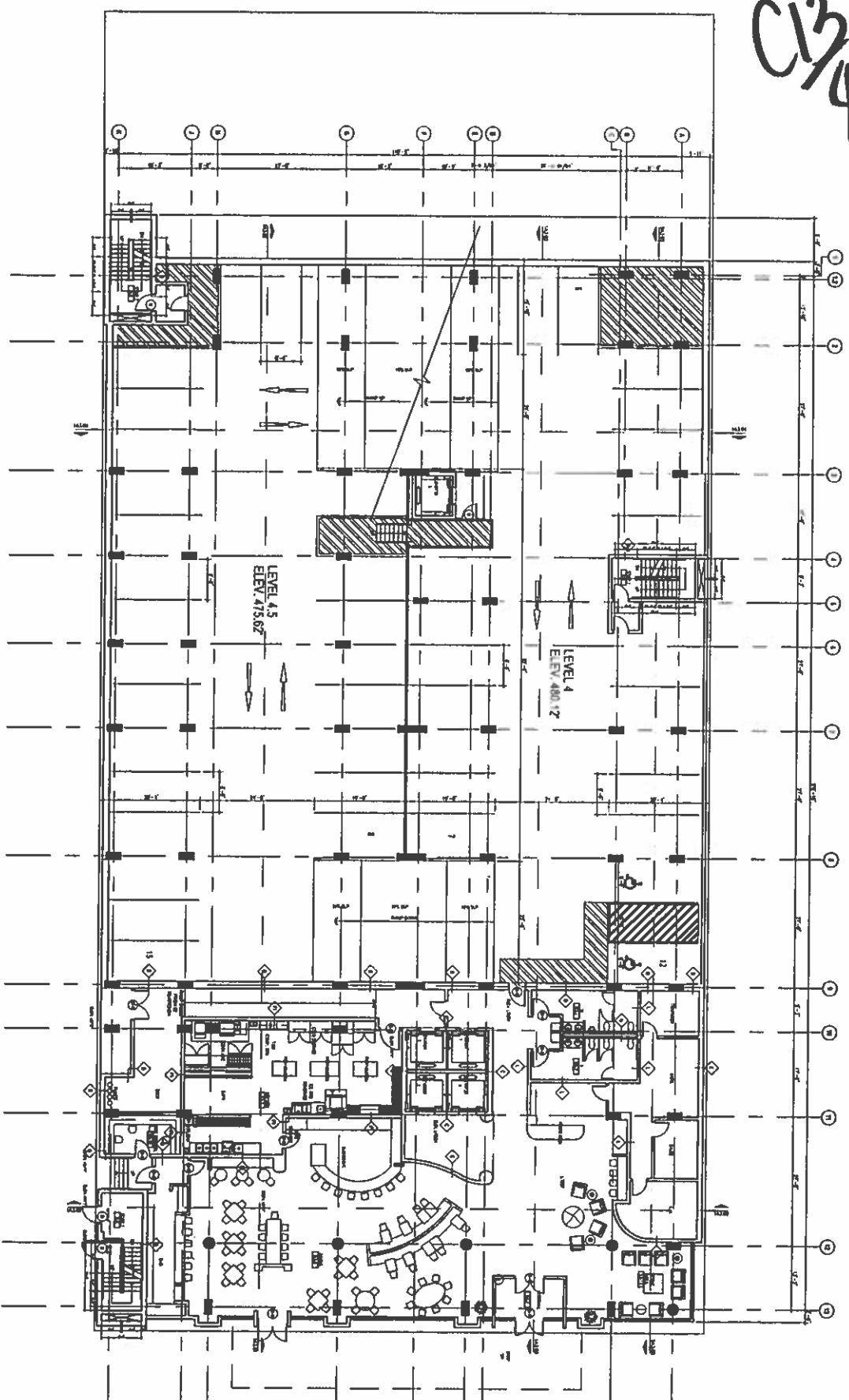
**9TH RED RIVER**  
**805 NECHES STREET**  
**AUSTIN, TEXAS 78701**

SITE PLAN

NOBLE  
ENGINEERING &  
CONSULTING, INC.

1120114  
AUSTIN, TX 78758  
(512) 339-1200

C13/8



**1** BASEMENT 4 FLOOR PLAN  
SCALE: 1/8" = 1'-0"



PROJECT: 9TH & RED RIVER HOTEL	DATE: 12/15/11
1315	
A2-2	
REVISION: 1	DATE: 12/15/11
REVISION: 2	DATE: 12/15/11
REVISION: 3	DATE: 12/15/11
REVISION: 4	DATE: 12/15/11
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REVISION: 6	DATE: 12/15/11
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REVISION: 20	DATE: 12/15/11

**9TH & RED RIVER HOTEL**  
HOTEL INDIGO / HOLIDAY INN EXPRESS  
AUSTIN, TEXAS

ARCHITECTURE  
PLANNING  
INTERIORS

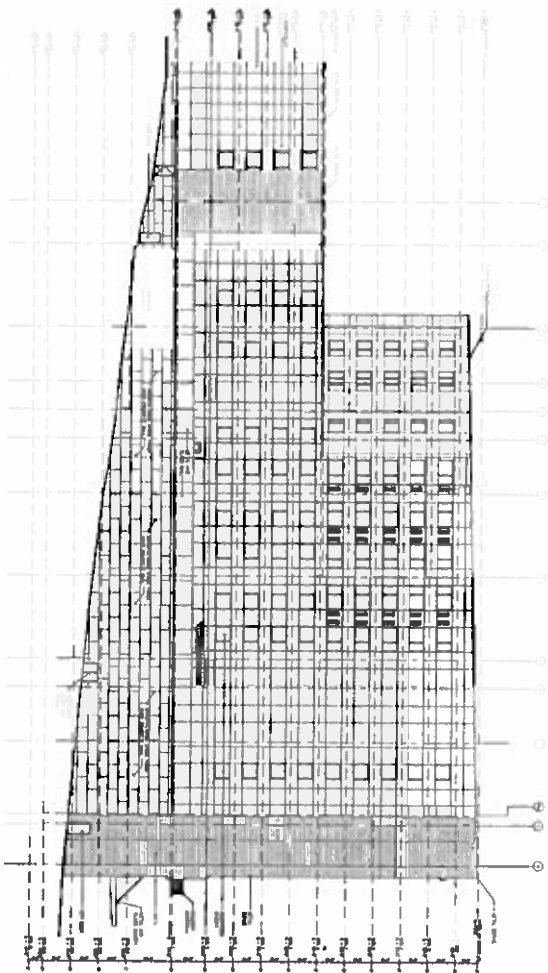
9TH & RED RIVER HOTEL  
HOTEL INDIGO / HOLIDAY INN EXPRESS  
AUSTIN, TEXAS



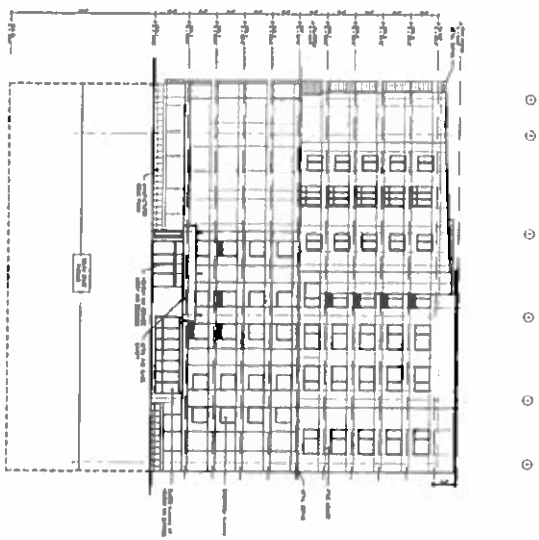




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SOUTH ELEVATION AT ALLEY  
SCALE 1/8" = 1'-0"



WEST ELEVATION AT NECHES STREET  
SCALE 1/8" = 1'-0"

**SITE PLAN APPROVAL** Sheet \_\_\_ of \_\_\_  
 ALL EXISTING INFORMATION ON THIS SITE PLAN IS THE PROPERTY OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CLIENT.  
 PROJECT: 9TH RED RIVER BLDG S/W ELEVATIONS  
 CLIENT: T.M./R.B./M.  
 DATE: 02/25/2011  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

SF-2013-0314C

<p><b>NOBLE</b>  <b>ENGINEERING</b>  <b>WORKS LLC</b>      TYPE: F-0002</p>	<p>1000 ALAMO 11, HOUSTON      ALBUQUERQUE, TX 78708      817.250.1100</p>	<p><b>BLDG S/W ELEVATIONS</b></p>	<p><b>9TH RED RIVER</b>  <b>805 NECHES STREET</b>  <b>AUSTIN, TEXAS 78701</b></p>	<p>DATE: 02/25/2011      TIME: 10:00 AM      DRAWING NO: 0275-0001      SHEET NO: 28 OF 28</p>
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